

## **Remarks**

### ***Change of Title***

Applicants have amended the pending claims in the present application to be drawn to HACCI17 polypeptide embodiments (to accommodate the Restriction Requirement mailed August 1, 2006, Paper No. 20060724; discussed below). As such, Applicants have also amended the Title of the present application to reflect the claimed polypeptide embodiments.

### ***Amendment of Table 1A***

Applicants have amended Table 1A to correct three typographical errors. First, SEQ ID NO:262 was inadvertently labeled as SEQ ID NO:259 in Table 1A (See, page 45 of the specification). As a result, all subsequent SEQ ID NOs in Table 1A were assigned three units lower than their actual listing in the sequence listing. Second, SEQ ID NOs:398-404 do not correspond to sequences listed in Table 1A, thereby causing all subsequent SEQ ID NOs to be assigned an additional seven units lower in Table 1A than their actual listing in the sequence listing. Finally, SEQ ID NO:656 was inadvertently labeled as SEQ ID NO:653 after taking into account the previous two errors (originally listed as SEQ ID NO:643 before correction; See, page 45 of the specification). As a result, all subsequent SEQ ID NOs in Table 1A were assigned an additional three units lower than their actual listing in the sequence listing.

Applicants submit that one of skill in the art could readily identify the relevant sequences and SEQ ID NOs corresponding to the clones disclosed in Table 1A, because Table 1D correctly indicates SEQ ID NO:Y for a large number of clones listed in Table 1A. In addition, Table 1A accurately discloses the sequence length of each SEQ ID NO. Thus, using the sequence length disclosed in Table 1A, in combination with the correct SEQ ID NOs disclosed in Table 1D, one of skill in the art could correctly identify in the sequence listing the sequences corresponding to the clone IDs listed in Table 1A. Accordingly, Applicants submit that the proposed amendments to Table 1A do not introduce any new matter.

### ***Status of Claims***

Claims 1-10, 14-15, 17-19, and 22-23 have been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Claims 11, 16, 21 and 24 have been amended, while claims 25-32 have been added, to further expand the claimed embodiments of the elected subject matter. Amended claims 11, 16, 21 and 24, as well as, new claims 25-32

find support in the claims as originally filed and throughout the specification. Specifically, support for amended claims 11 and 16, as well as new claims 25-32 can be found, for example, at page 45, in Table 1A (Gene 4, HACCI17/SEQ ID NO: 408); page 699; lines 19-20 (fragments of 30 and 50 contiguous amino acids); page 680 (mature polypeptides) page 685 (95% identity); pages 700-701 (N- and C- terminal truncations); page 23, first paragraph, or Example 12, page 844 (diagnosing diabetes mellitus and conditions related thereto); page 717, line 32 (heterologous polypeptide); page 711, line 3 (glycosylated polypeptides); Example 8, on pages 837-839 (expressing a polypeptide by a cell); page 691 and Example 10, on pages 840-843 (identifying a binding partner of a polypeptide). Furthermore, Applicants have amended claims 21 and 24 to correct minor typographical errors. Accordingly, no new matter has been added. Upon entry of the present amendment, claims 11-13, 16, 20-21, 24-32 will be pending.

### **Election**

A restriction requirement under 35 U.S.C. § 121 has been issued in which claims 1-24 were separated into 9 different groups. *See*, Paper No. 20060724, page 2. In addition, the Examiner has also required election of a “single nucleic acid, polypeptide, or antibody” *See*, Paper No. 20060724, page 3.

In order to be fully responsive and to comply with the pending election requirement, Applicants herein elect claims embodying the subject matter currently restricted to Group II (*i.e.*, drawn to the isolated polypeptides of claims 11-13 and 17), for further prosecution. Additionally, to comply with the Examiner's request for election of a single polypeptide sequence, Applicants note that the elected claims are drawn to HACCI17 polypeptides. *See e.g.*, page 45, Table 1A. Applicants reserve the right to file one or more continuation or divisional applications directed to non-elected inventions should the restriction requirement be made final. Applicants note that currently pending claims 11-13, 16 and 25-29 are directed to subject matter falling within the ambit of Group II as cast by the Examiner. Furthermore, claims 20-21, 24, and 30-32 are directed to methods of making and using the product of the Group II claims. If the restriction requirement is maintained, Applicants request rejoinder and examination of patentability of the claims falling within the ambit of Groups IV, VI-VII (process of use claims related to Group II; *See*, page 4, Paper No. 20060724), once the claims of Group II are found allowable.

## Conclusion

Applicants respectfully request that the above-made remarks be entered and made of record in the file history of the instant application. In view of the foregoing amendments and remarks, Applicants believe that this application is now in condition for further examination. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated:

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Respectfully submitted,

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